

EXHIBIT B

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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RAMON MORALES,

Plaintiff,

Civil Case No.: 2:14-cv-04702
(LDW)(ARL)

- against -

5 BROTHERS RESTAURANT, INC. OLD
TOWN INC., and DENNIS D'ONOFRIO

Defendants.

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**ANSWER TO
AMENDED COMPLAINT**

The defendants, 5 Brothers Restaurant, Inc., Old Town Inc. and Dennis Donofrio; by their attorneys Wickham, Bressler & Geasa, P.C., as and for their answer to the amended complaint, respectfully state:

1. Deny the allegations of paragraph 1 of the amended complaint and assert that no response is required as no allegation of fact is made.
2. Deny the allegations of paragraph 2 of the amended complaint with respect to 42 USC §1981 and otherwise admit the allegations of paragraph 2 of the amended complaint.
3. Admit the allegations set forth in paragraph 3 of the amended complaint.
4. Deny the allegations set forth in paragraph 4 of the amended complaint.
5. Deny the allegations set forth in paragraph 5 of the amended complaint.
6. Deny the allegations set forth in paragraph 6 of the amended complaint and respectfully refer questions of law to the Court.
7. Deny the allegations set forth in paragraph 7 of the amended complaint.
8. Deny the allegations set forth in paragraph 8 of the amended complaint.
9. Admit the existence of a website with an address “5brotherspizzeria.com” but otherwise deny and respectfully refer the Court to the website for its content and meaning.

10. Admit the allegations set forth in paragraph 10 of the amended complaint.
11. Deny the allegations set forth in paragraph 11 of the amended complaint.
12. Admit the allegations set forth in paragraph 12 of the amended complaint.
13. Deny the allegations set forth in paragraph 13 of the amended complaint.
14. Deny the allegations set forth in paragraph 14 of the amended complaint.
15. Deny the allegations set forth in paragraph 15 of the amended complaint and respectfully refer questions of law to the Court.
16. Deny the allegations set forth in paragraph 16 of the amended complaint.
17. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 17 of the amended complaint.
18. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 18 of the amended complaint.
19. Deny the allegations set forth in paragraph 19 of the amended complaint.
20. Deny the allegations set forth in paragraph 20 of the amended complaint.
21. Deny the allegations set forth in paragraph 21 of the amended complaint.
22. Deny the allegations set forth in paragraph 22 of the amended complaint.
23. Deny the allegations set forth in paragraph 23 of the amended complaint.
24. Deny the allegations set forth in paragraph 24 of the amended complaint.
25. Deny the allegations set forth in paragraph 25 of the amended complaint.
26. Deny the allegations set forth in paragraph 26 of the amended complaint.
27. Deny the allegations set forth in paragraph 27 of the amended complaint.
28. Deny the allegations set forth in paragraph 28 of the amended complaint.
29. Deny the allegations set forth in paragraph 29 of the amended complaint.

30. Deny the allegations set forth in paragraph 30 of the amended complaint.

31. Defendants repeat and reallege the answers to paragraphs "1" through "30" of the complaint as though fully set forth at length herein in response to paragraph 31 of the amended complaint.

32. Deny the allegations set forth in paragraph 32 of the amended complaint and respectfully refer questions of law to the Court.

33. Deny the allegations set forth in paragraph 33 of the amended complaint.

34. Deny the allegations set forth in paragraph 34 of the amended complaint and respectfully refer questions of law to the Court.

35. Defendants repeat and reallege the answers to paragraphs "1" through "34" of the complaint as though fully set forth at length herein in response to paragraph 35 of the amended complaint.

36. Deny the allegations set forth in paragraph 36 of the amended complaint.

37. Deny the allegations set forth in paragraph 37 of the amended complaint.

38. Deny the allegations set forth in paragraph 38 of the amended complaint.

39. Deny the allegations set forth in paragraph 39 of the amended complaint and respectfully refer questions law to the Court.

40. Defendants repeat and reallege the answers to paragraphs "1" through "39" of the complaint as though fully set forth at length herein in response to paragraph 40 of the amended complaint.

41. Deny the allegations set forth in paragraph 41 of the amended complaint.

42. Deny the allegations set forth in paragraph 42 of the amended complaint.

43. Deny the allegations set forth in paragraph 43 of the amended complaint.

44. Deny the allegations set forth in paragraph 44 of the amended complaint and respectfully refer questions of law to the Court.

45. Defendants repeat and reallege the answers to paragraphs "1" through "44" of the complaint as though fully set forth at length herein in response to paragraph 45 of the amended complaint.

46. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 46 of the amended complaint and respectfully refer questions of law to the Court.

47. Deny the allegations set forth in paragraph 47 of the amended complaint.

48. Deny the allegations set forth in paragraph 48 of the amended complaint and respectfully refer questions of law to the Court.

49. Defendants repeat and reallege the answers to paragraphs "1" through "48" of the complaint as though fully set forth at length herein in response to paragraph 49 of the amended complaint.

50. Deny the allegations set forth in paragraph 50 of the amended complaint.

51. Deny the allegations set forth in paragraph 51 of the amended complaint.

52. Deny the allegations set forth in paragraph 52 of the amended complaint and respectfully refer questions of law to the Court.

53. Defendants repeat and reallege the answers to paragraphs "1" through "52" of the complaint as though fully set forth at length herein in response to paragraph 53 of the amended complaint.

54. Deny the allegations set forth in paragraph 54 of the amended complaint.

55. Deny the allegations set forth in paragraph 55 of the amended complaint and respectfully refer questions of law to the Court.

56. Defendants repeat and reallege the answers to paragraphs "1" through "55" of the complaint as though fully set forth at length herein in response to paragraph 56 of the amended complaint.

57. Deny the allegations set forth in paragraph 57 of the amended complaint.

58. Deny the allegations set forth in paragraph 58 of the amended complaint.

59. Deny the allegations set forth in paragraph 59 of the amended complaint and respectfully refer questions of law to the Court.

60. Deny the allegations set forth in paragraph 60 of the amended complaint.

61. Deny the allegations set forth in paragraph 61 of the amended complaint.

AS AND FOR A FIRST DEFENSE

62. The first claim for relief fails to state a claim upon which relief can be granted.

AS AND FOR A SECOND DEFENSE

63. The second claim for relief fails to state a claim upon which relief can be granted.

AS AND FOR A THIRD DEFENSE

64. The sixth claim for relief fails to state a claim upon which relief can be granted.

AS AND FOR A FOURTH DEFENSE

65. The seventh claim for relief fails to state a claim upon which relief can be granted.

AS AND FOR A FIFTH DEFENSE

66. The Court lacks personam jurisdiction over answering defendant Dennis Donofrio.

AS AND FOR A SIXTH DEFENSE

67. The Court lacks personam jurisdiction over answering defendant 5 Brothers Restaurant, Inc.

AS AND FOR A SEVENTH DEFENSE

68. Plaintiff's termination of employment was due to legitimate non-discriminatory business reasons.

WHEREFORE, defendants demand judgment dismissing the complaint.

Dated: February 18, 2015
Mattituck, New York

WICKHAM, BRESSLER & GEASA, P.C.

By: _____



Eric J. Bressler

Attorneys for Defendants
13015 Main Road
P.O. Box 1424
Mattituck, New York 11952
(631) 298-8353
ebressler@wbglawyers.com

TO: D. Maimon Kirschenbaum, Esq.
Joseph & Kirschenbaum, LLP
Attorneys for Plaintiff
233 Broadway
5th Floor
New York, New York 10279

ejb/clt/Donofrio/Answer to Amended Complaint